

REMARKS

In response to the Restriction Requirement, Applicants elect, with traverse, Group I, claims 34-45, drawn to a mold for fabricating a silica-based preform.

This application is a \$ 371 National Stage application of International PCT/FR2004/002084. Accordingly, unity of invention practice under PCT Rule 13.1 and 13.2 apply to this application.

In Items 2-3 on pages 2-3 of the Office Action, it was indicated that the inventions of Groups I-III lack unity of invention on the basis that the common technical features therein were well known in the silica-based preform molding art as allegedly disclosed in LOXLEY et al. (U.S. 2002/0152768). Applicants respectfully disagree and traverse this requirement for the following reasons.

Indeed, Groups I, II and III have in common the mold according to claim 34. In particular, the method according to claim 46 uses a mold "according to claim 34" and the green part according to claim 62 is "fabricated by the steps a) to c) of a method according to claim 46", i.e., also using a mold according to claim 34. Accordingly, this special technical feature is common throughout the claims.

Moreover, it is respectfully submitted that the mold according to claim 34 is quite different than the mold described in LOXLEY for the following reasons.

First, independent claim 34 recites: "having an interior portion (14) and an exterior portion (12) adapted to delimit a wall (38) of said preform". In LOXLEY, the wall of the preform is not delimited by an interior portion of the mold. Indeed, the silica particles are electrophoretically deposited on the shaping surfaces of the mold 2a. The cathode 3 does not delimit said wall.

Second, claim 34 also recites: "only one of said interior portion (14) and exterior portion (12), called "permeable portion" (14), being permeable to said liquid" (emphasis added). Such a characteristic is not disclosed, nor suggested in LOXLEY.

Third, claim 34 recites: "at least one of said interior and exterior portion is deformable". Again, LOXLEY does not disclose nor suggest such a deformable portion.

Therefore, LOXLEY cannot be said to disclose or suggest the special technical features establishing a common technical relationship between the different Groups I-III of inventions identified by the Examiner.

Thus, the inventions of Groups I-III are linked as to form a single general inventive concept and unity of invention exists therein.

Finally, it is noted that in the PCT proceedings of the international application corresponding to the instant application, no objection to unity of invention was raised by the

Examiner. Consequently, it is respectfully submitted that no such objection should now be raised by the U.S. Patent Office as there is unity of invention.


For these reasons, Applicants respectfully submit that the Office's lack of unity of invention is improper and should be withdrawn. Thus, kindly search and examine all the claims in their full scope together in this application as the inventions of Group I-III have unity of invention.

In the event that the Office disagrees, kindly consider the possibility of rejoinder of the non-elected invention, upon a determination of allowance of the elected invention per U.S. practice and M.P.E.P. § 821.04.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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